IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 232 OF 2007

Sunil Laxman Patil ..Applicant

Vs.

State of Maharashtra
Deccan Police Station ..Respondent

Ms. Mallika Ingale for applicant.
Mr. Y.S. Shinde, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : January 31, 2007.

P.C.:

1. Heard Mr. Ingale the learned counsel for the applicant who claims to be a student of second year LL.B. at Manichand Pahade Law College, Aurangabad. He is of the age of 26 years and prays for the protection of anticipatory bail in respect of C.R. No.5 of 2007 registered with the Deccan Police Station at Pune. Said C.R. has been registered for the offences punishable under Sections 328, 376 and 383 of IPC on 4/1/2007. It is alleged by the complainant - prosecutrix that on 8/3/2006 she was, under false

representation, made to travel by the accused with him on the journey from Mumbai-Aurangabad via Pune and at Pune they broke the journey, she was taken to a hotel and offered some drink at about 10.30 p.m. and on consumption of said drink she started feeling giddiness. Next day morning i.e. on 9/3/2006 when she woke up and recovered, she noticed that the accused and herself were in bed and she was subjected to sexual intercourse. When she questioned the accused he again had forced her in sexual intercourse. Having realised that she was misrepresented, she came out of the hotel and came bak to her home at Mumbai.

1A. The complaint has been lodged for the first time, as per her, on 4/1/2007. However, the applicant states that on 26/8/2006 he was threatened by the complainant that a complaint was lodged against him already of inducing her to have sexual intercourse with him by making a false promise of marriage and she further threatened the accused on that count to pay a sum of Rs.5 lacs. He states that two police constables approached him on 28/8/2006 and he had moved an anticipatory bail application before the

Sessions Court at Pune on 4/9/2006. The said application came to be withdrawn on the basis of the investigation report filed by the police and more particularly stating that the C.R. was not registered.

2. I have perused the investigation papers, including the F.I.R. The prosecutrix is of the age of 27 years, possesses a degree in law. The complaint of an incident that took place in the night of 8/3/2006 and in the morning of 9/3/2006 has been filed on 4/1/2007 i.e. almost about 9 months later. Consequent to the order passed by this court on 23/1/2007 it is stated by the learned counsel for the applicant that applicant has been reporting to the Deccan Police Station, except on 26/1/2007. I am satisfied that this is a fit case to grant anticipatory bail.

3. Hence the application is allowed and it is directed that in case the applicant is taken in

custody in connection with C.R. No.5 of 2007 registered with Deccan Police Station, Pune, he shall be released on bail forthwith on furnishing a PR bond in the sum of Rs.3000/- with one solvent surety in the like amount and on the further condition that he shall report to the Deccan Police Station on every Sunday between 3 p.m. to 5 p.m. for a period of four weeks from today.

(B.H. Marlapalle,J.)